

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

HERBERT LEE CAMPBELL,

Plaintiff,

V.

SUZANNE M. KIRKLAND, et al.,

Defendants.

CASE NO. 4:12CV3016

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On January 31, 2012, Plaintiff filed his Complaint in this matter (Filing No. [1](#)), along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”) (Filing No. [2](#)). On February 28, 2012, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that his case would be subject to dismissal if he failed to pay the initial partial filing fee by March 29, 2012. (*Id.*) Plaintiff thereafter sought two lengthy extensions of time in which to pay the initial partial filing fee. (Filing Nos. [7](#) and [10](#).) The court granted both extensions, giving Plaintiff a final deadline of July 23, 2012, in which to pay the initial partial filing fee. (Filing No. 11, text-only order.) In granting Plaintiff’s second request for an extension of time, the court stated that “no further extensions of time will be permitted and this matter will be dismissed without further notice if payment is not received by July 23, 2012.” (*Id.*)

The July 23, 2012, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (See Docket Sheet.) Therefore, Plaintiff's case is dismissed for failing to comply with the court's February 28, 2012, Memorandum and Order and the court's subsequent text-only orders. See [Fed. R. Civ. Pro. 41\(b\)](#); see also [Conley v.](#)

[Holden, No. 03-3908, 2004 WL 2202452, at *1 \(8th Cir. Sept. 21, 2004\)](#), (affirming district court's dismissal of inmate's case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Complaint (Filing No. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court's orders;
2. A separate judgment will be entered in accordance with this Memorandum and Order; and
3. All pending motions are denied as moot.

DATED this 14th day of August, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.